

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-6, 12-21, 23, 24, 27, 28, 30 and 32-35 are currently pending in this application, with Claims 4-6 being withdrawn as being drawn to the non-elected species. Claims 4-6 should be rejoined and allowed when independent Claim 1 is allowed. By this Amendment, independent Claims 1, 24 and 28 are amended to incorporate the subject matter of Claims 25 and 26, Claims 18 and 27 are amended for consistency, and Claims 25 and 26 are canceled without prejudice to or disclaimer of the subject matter recited therein. No new matter is added. Claims 1-3, 12-21, 23, 24, 27, 28, 30 and 32-35 are readable on the elected species.

The Official Action rejects independent Claims 1-3, 12-18, 23 and 28 under 35 U.S.C. §103(a) over U.S. Patent No. 5,769,796 to Palermo et al. ("Palermo"), in view of U.S. Patent No. 7,074,197 to Reynolds et al. ("Reynolds").

The Official Action does not set forth any rejections of Claims 19-21, 24-27, 30 and 32-35. It is thus understood that these claims define allowable subject matter. In the event the next Patent Office communication is not a Notice of Allowance, the Examiner is kindly requested to indicate that these claims recite allowable subject matter.

Independent Claim 1 is directed to a guide wire comprising, *inter alia*, a first wire disposed on a distal side of the guide wire, and a second wire disposed on a proximal side from the first wire. The proximal tip of the first wire and the distal tip of the second wire are coaxial. The first wire includes a proximal end face and the second wire includes a distal end face. The proximal end face of the first wire and

the distal end face of the second wire abut one another and are welded to one another to form a welded portion. Independent Claims 24 and 28 recite similar features.

Palermo discloses a guidewire 140 including a distal section 146 having a tapered portion 122 and a spade 134 (see Figs. 1 and 5A). The guidewire 140 also includes a ribbon 126 (see Fig. 5A). The Official Action takes the position that that the ribbon 126 corresponds to the claimed first wire and that the distal section 146 corresponds to the claimed second wire. However, the proximal tip of the ribbon 126 and the distal tip of the distal section 146 are not coaxial. Fig. 5A of Palermo shows a *side view* of a the distal tip of the guidewire (see col. 4, lines 62 and 63; and col. 6, lines 49-51). Fig. 5B shows a *top view* of the distal tip of the guidewire shown in Fig. 5A (see col. 4, lines 64 and 65; and col. 6, line 67 to col. 7, line 2). As clearly shown in the Fig. 5B *top view* of the guidewire, the ribbon 126 is offset from the distal tip of the distal section 146. In particular, the ribbon 126 is provided along the outer circumference of an inner coil 132 surrounding a small diameter portion 130 of the distal section 146 (see Fig. 5B). Thus, Palermo fails to disclose that the proximal tip of the ribbon 126 ("first wire") and the distal tip of the distal section 146 ("second wire") are coaxial as recited in independent Claims 1, 24 and 28.

Moreover, the proximal *end face* of the ribbon 126 and the distal *end face* of the distal section 146 do not *abut* one another to form a welded portion. As shown in Fig. 5B, the ribbon 126 and the distal tip of the distal section 146 are connected to a solder joint 128. However, the ribbon 126 is provided along the outer circumference of the inner coil 132 surrounding the distal section 146 as discussed above. Thus, Palermo fails to disclose that the proximal end face of the first wire and the distal end

face of the second wire abut one another and are welded to one another to form a welded portion as recited in independent Claims 1, 24 and 28.

Reynolds fails to overcome the deficiencies of Palermo. Reynolds discloses a guidewire 310 having a constant diameter portion 354, and a ribbon 358 (see Fig. 11). The ribbon 358 is disposed adjacent the distal end 360 of the constant diameter portion 354 at an attachment point 364 (see Fig. 11 and col. 13, lines 19-21). That is, the proximal tip of the ribbon 358 is not coaxial with the distal tip of the constant diameter portion 354. Further, as shown in Fig. 11, the proximal end face of the ribbon 358 and the distal end face of the constant diameter portion 354 do not abut one another to form a welded portion.

Thus, the combination of Palermo and Reynolds fail to disclose, and would not have rendered obvious, the combination of features recited in the independent claims, including the proximal tip of the first wire and the distal tip of the second wire being coaxial, and the proximal end face of the first wire and the distal end face of the second wire abutting one another and being welded to one another to form a welded portion as recited in independent Claims 1, 24 and 28. Therefore, independent Claims 1, 24 and 28 are patentable over Palermo and Reynolds for at least these reasons.

Claims 2, 3, 12-18 and 23 are patentable over Palermo and Reynolds at least by virtue of their dependence from patentable independent Claims 1 and 24, respectively. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejection is respectfully requested.

Should any questions arise in connection with this application, or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: MAR. 3, 2009

By:


Matthew L. Schneider
Registration No. 32814

David R. Kemeny
Registration No. 57241

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620